

m/027/033



United States Department of the Interior

BUREAU OF LAND MANAGEMENT FILLMORE FIELD OFFICE

35 East 500 North
Fillmore, UT 84631

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MAY 21 2001

DIVISION OF
OIL, GAS AND MINING

In Reply Refer to:

3800

(U-010)

UTU-070674-01

May 17, 2001

CERTIFIED MAIL # 7099 3220 0002 6774 7461
RETURN RECEIPT REQUESTED

DALE ROGERS
455 NORTH MAIN
MILFORD, UTAH 84751

Dear Mr. Rogers:

Your Plan of Operations to conduct mining related activities on unpatented mining claims, serial numbers UMC #s 354806, 365013, 367651, 354805, and 354807, located in the E1/2, Sec. 35, T. 25 S., R. 13 W., SLBM, was received on April 17, 2001. The Plan of Operations appears to be complete, however, the environmental review required under the National Environmental Policy Act must still be completed before an approval/denial decision is made. Your Plan of Operations has been assigned case file number UTU-070674-01. Please use this number in any future correspondence concerning this notice.

We are of the preliminary opinion the deposit you have claimed is "common variety" and, as such, is not open to location. The proper procedure for mining and disposal of this material is through 43 CFR 3610, mineral material sales, wherein you would sign a contract with the Bureau of Land Management to purchase the material at a specified price. We will gladly provide you with information regarding mineral material sales.

If you are convinced that your deposit is locatable, please be aware the Court has set standards to distinguish between common varieties and uncommon varieties of mineral deposits or stone. The standards are:

1. There must be a comparison of the mineral deposit in question with other deposits of such minerals generally;

2. The mineral deposit in question must have a unique property;
3. The unique property must give the deposit a distinct and special value;
4. If the special value is for uses to which ordinary varieties of the mineral are put, the deposit must have some distinct and special value for such use; and
5. The distinct and special value must be reflected in the market place (or in reduced cost or overhead so that the profit to the claimant would be substantially more).

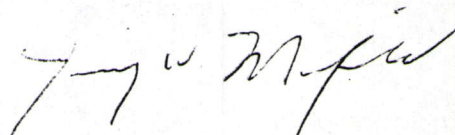
Should a final determination by the Department of Interior be made that this material is, in fact, "common variety", you could be responsible to the United States for the value of this material, damage to the land, and the administrative costs of recovering such compensation.

A copy of your Plan of Operations has been sent to the Utah Division of Oil, Gas and Mining (UDOGM); therefore, you will not have to file this Plan of Operations with them.

Should your Plan of Operations be approved, such approval will not now, nor in the future, serve as a determination of the validity nor ownership of any mining claim included under your notice.

If you have any question or concerns pertaining to this matter, please contact Jerry Mansfield at (435) 743-3125.

Sincerely,



Jerry W. Mansfield
Geologist

cc w/enclosure: Tom Munson, UDOGM